

GCA-5737
Stevens Pass Ped Crossing

FS-2700-26 (03/06)
USDA Forest Service
OMB No. 0596-0082

CATEGORY 6 MAJOR COST RECOVERY AGREEMENT
No.08MJ-11060S06021

Between

USDA, FOREST SERVICE, Mt. Baker-Snoqualmie National Forest,
And Washington State Department of transportation

This agreement is entered into between the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, Mt. Baker Snoquaimie National Forest (the Forest Service), and the Washington State Department of Transportation North Central Region (the applicant) under 36 CFR 251.58.

A. RECITALS

1. On November 1, 2007, the Forest Service accepted the applicant's application for use and occupancy of National Forest System lands (hereinafter "the application"), which is enumerated in Appendix A. The Forest Service shall assess the applicant a cost recovery fee for the Forest Service's costs to process the application.
2. The Forest Service has determined that the fee for processing the application falls within category 6 under the applicable Forest Service processing fee schedule and/or that the fee for monitoring the applicant's special use authorization falls within category 6 under the applicable Forest Service monitoring fee schedule.
3. The geographic area to be covered by this agreement includes an easement area to be granted to the Applicant for a proposed pedestrian bridge over U.S. 2 at the Stevens Pass summit, located on the Skykomish Ranger District in portions of SE1/4 NE1/4 Sec.14, T.26N, R.13E, W.M. See map, Appendix B.
4. The application has been submitted or the applicant's special use authorization is being issued under an authority other than the Mineral Leasing Act, and the applicant has not waived payment of reasonable costs. Therefore, the Forest Service is entitled to recover its full reasonable costs incurred in processing the application or monitoring the authorization.
5. Payment of a processing fee by the applicant does not obligate the Forest Service to authorize the applicant's proposed use and occupancy. If the application is denied or withdrawn in writing, the applicant is responsible for costs incurred by the Forest Service in processing the application up to and including the date the Forest Service denies the application or receives written notice of the applicant's withdrawal. If the applicant withdraws the application, the applicant also is responsible for any costs subsequently incurred by the Forest Service in terminating consideration of the application.
6. The Forest Service shall determine the appropriate level of environmental analysis for the application and inform the applicant prior to initiating the environmental analysis.
7. Information associated with this agreement may be released to the public in accordance with the provisions of the Freedom of Information Act and Privacy Act.

PART I PROCESSING FEES

B. BASIS FOR PROCESSING FEES

Processing fees for the application are based upon the direct and indirect costs that the Forest Service incurs in reviewing the application, conducting environmental analyses of the effects of the proposed use, reviewing any applicant-generated environmental documents and studies, conducting site visits, evaluating the applicant's technical and financial qualifications, making a decision on whether to issue the authorization, and preparing documentation of analyses, decisions, and authorizations for the application. The processing fee for the application shall be based only on costs that are necessary for processing the application. "Necessary for" means that but for the application, the costs would not have been incurred. The processing fee shall not include costs for studies for programmatic planning or analysis or other agency management objectives, unless they are necessary for processing the application. Proportional costs for analyses, such as capacity studies, that are necessary for the application may be included in the processing fee.

C. AGREEMENT

In consideration of the foregoing, the parties agree as follows:

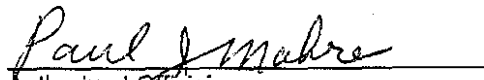
1. Scope of Work. The Forest Service shall develop a scope of work for processing the application and an estimate of the Forest Service's costs to process *the* application, which will be incorporated into this agreement as Appendix C. This scope of work shall report direct costs in categories that correspond to those in the Forest Service's accounting system, e.g., job code, personnel compensation based upon the cost to the government (salary and benefits), travel, and other direct services, materials, and supplies. In addition, *the* estimate of the Forest Service's processing costs shall include the agency's indirect costs based upon the approved annual indirect cost rate. Classification of costs as direct or indirect shall be in accordance with *the* published Forest Service budget for the applicable fiscal year.
2. Environmental Analysis. The Forest Service shall supervise the preparation of *the* environmental analysis associated with the application in compliance with applicable legal requirements, including public review of the analysis, analysis of public comments, and decision documentation. In exercising this responsibility, the Forest Service shall endeavor to foster cooperation among other agencies involved in the process, and to integrate National Environmental Policy Act requirements and other environmental review and consultation requirements to avoid, to the fullest extent possible, duplication of efforts by those agencies. However, *the* Forest Service shall not delegate to any other agency its authority over the scope and content of the environmental analysis, or approval or denial of *the* application.
3. Billing. The Forest Service shall bill the applicant prior to commencement of work. The applicant agrees to pay the estimated processing fee of \$8,780.05. The bill for the estimated processing fee is attached.
4. Payment. *The* applicant shall pay the estimated processing fee within 30 days of the date the bill for the fee is issued. The Forest Service shall not initiate processing the application until the estimated processing fee is paid. If the applicant fails to pay the estimated processing fee or the fee is late, the Forest Service shall cease processing the application until the fee is paid.

5. Statement of Costs. The Forest Service shall upon completion of this project report costs incurred for processing the application by providing a financial statement from the Forest Service's accounting system to the applicant.
6. Underpayment. When the estimated processing fee is lower than the full actual costs of processing an application submitted under the Mineral Leasing Act, or lower than the full reasonable costs (when the applicant has not waived payment of reasonable costs) of processing an application submitted under other authorities, the applicant shall pay the difference between the estimated and full actual or reasonable processing costs within 30 days of billing.
7. Overpayment. If payment of the processing fee exceeds the full actual costs of processing an application submitted under the Mineral Leasing Act, or the full reasonable costs (when the applicant has not waived payment of reasonable costs) of processing an application submitted under other authorities, the Forest Service shall either (a) refund the excess payment to the applicant or (b) at the applicant's request, credit it towards monitoring fees due.
8. Disputes
 - a. If the applicant disagrees with the estimated dollar amount of the processing costs, the applicant may submit a written request before the disputed fee is due for substitution of alternative estimated costs to the immediate supervisor of the authorized officer *who* determined the estimated costs. The written request must include supporting documentation.
 - b. If the applicant pays the full disputed processing fee, the Forest Service shall continue to process the application during the supervisory officer's review of the disputed fee, unless the applicant requests that the application processing cease.
 - c. If the applicant fails to pay the full disputed processing fee, the Forest Service shall suspend further processing of the application pending the supervisory officer's determination of an appropriate processing fee and the applicant's payment of that fee.
 - d. The authorized officer's immediate supervisor shall render a decision on a disputed processing fee within 30 calendar days of receipt of the written request from the applicant. The supervisory officer's decision is the final level of administrative review. The dispute shall be decided in favor of the applicant if the supervisory officer does not respond to the written request within 30 days of receipt.
9. Lack of Administrative Appeal. A decision by an authorized officer to assess a processing fee or to determine the estimated costs is not SUBJECT to administrative appeal. A decision by an authorized officer's immediate supervisor in response to a request for substitution of alternative estimated costs likewise is not subject to administrative appeal.
10. Amendment. Modifications to this agreement shall be made in writing and shall be signed and dated by both parties.
11. Expiration and Termination. This agreement expires on December 31, 2009. Either party, in writing, may terminate this agreement in whole or in part at any time before it expires. The applicant is responsible for all Forest Service costs covered by this agreement that are incurred up to the date of expiration or termination.
12. Principal Point of Contact. The Forest Service and the applicant shall each establish a principal point of contact for purposes of this agreement.

The Forest Service's contact is Eric Ozog, Realty Specialist, Verlot Public Service Center, 33515 Mountain Loop Highway, Granite Falls, WA 98252. Phone: (360) 691-4396. Fax: (360) 691-7122. Email: eozog@fsJed.us.


The applicant's contact is Josh G. Patrick, P.E., WSDOT North Central Region, P.O. Box 98, Wenatchee, WA 98807. Phone: (509) 667-2855. Fax: (509) 667-2855. Email: patricj@wsdot.wa.gov.

This agreement is accepted subject to all terms and conditions.



Authorized Official
Washington State Department of Transportation

4-18-08
Date

Approved As To Form


Assistant Attorney General for Washington State
Department of Transportation

4-14-08
Date

for 
Y. ROBERT YAMAMOTO
Forest Supervisor
USDA, Forest Service

4/25/08

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6362 (TDD). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Special Use Application / Authorization and Use

ID	SKY63	Exp. Date		Date Issued		Billing Cycle	
Use Code	741	DOT EASEMENT		Contact	Washington State Department of Transport		

Cost Recovery Fees

Processing Monitoring **Processing**

[Click to open Estimation Sheet](#) or Enter *Category

If Monitoring or Processing an Amendment: Amendment #

NEPA Requirements

*Fee	\$8,780.05
Total Adjustments	\$0.00 +
Adjusted Fee	\$8,780.05 =

Bill Comments

One billing for processing fee.

CR Agreement for Category 5 and 6

Create CR Agreement Number Agreement #

Place a check mark next to the document(s) you want to create/print:

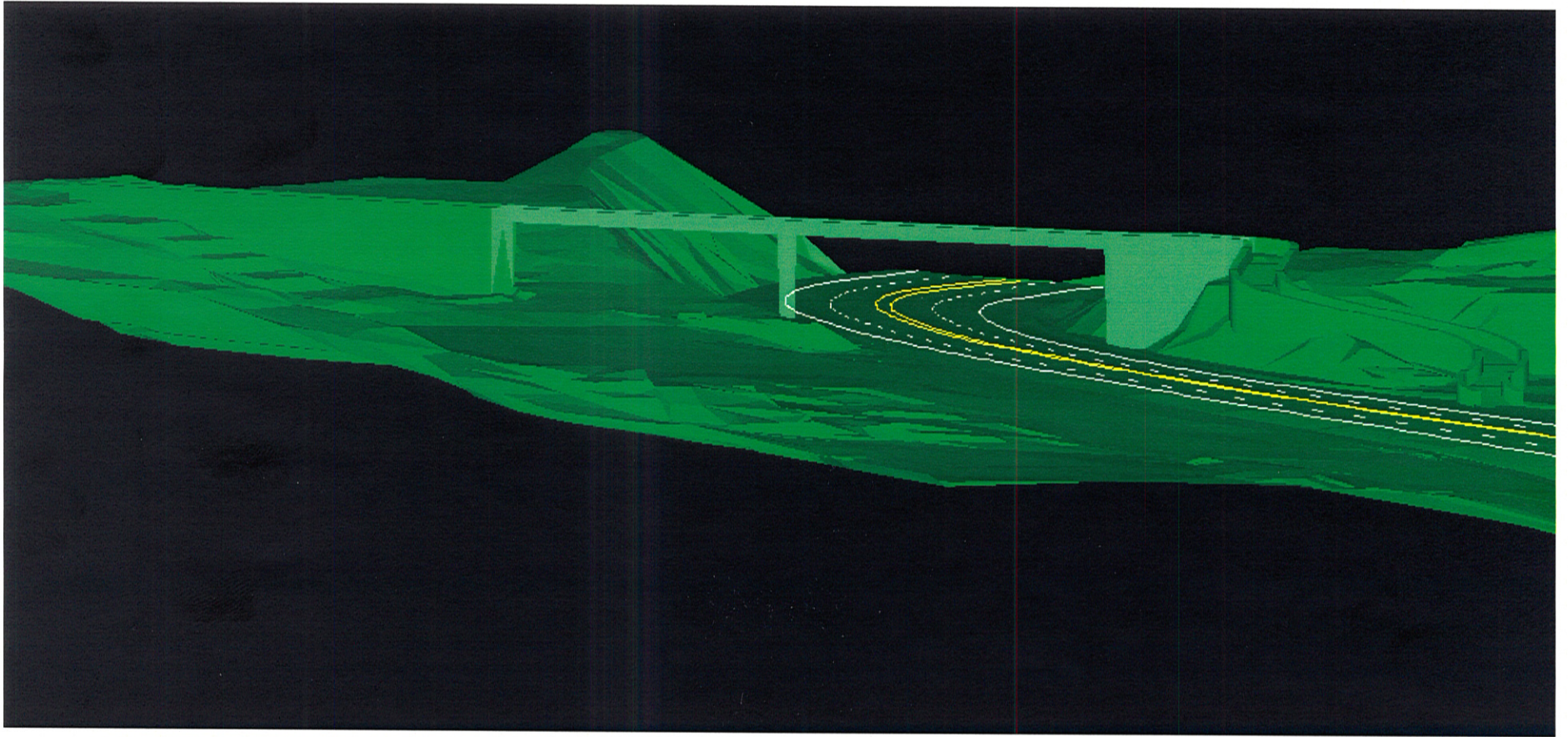
CR Agreement

FS-8500-205

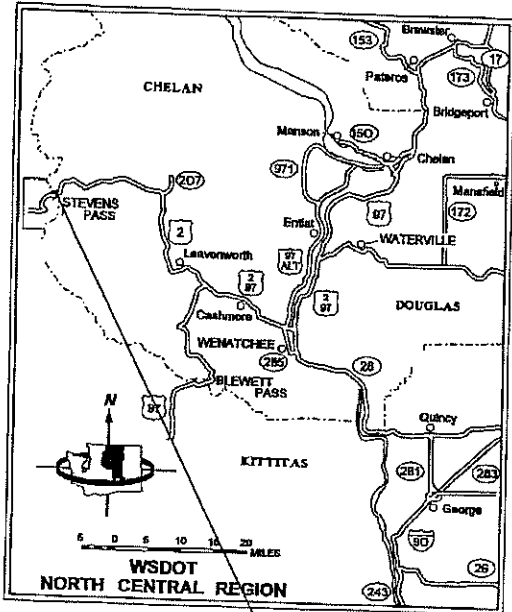
CR Fee Screen

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Appendix A

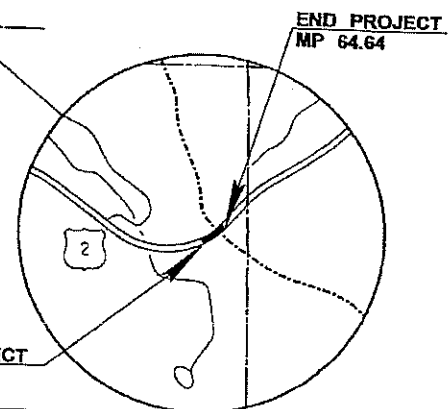
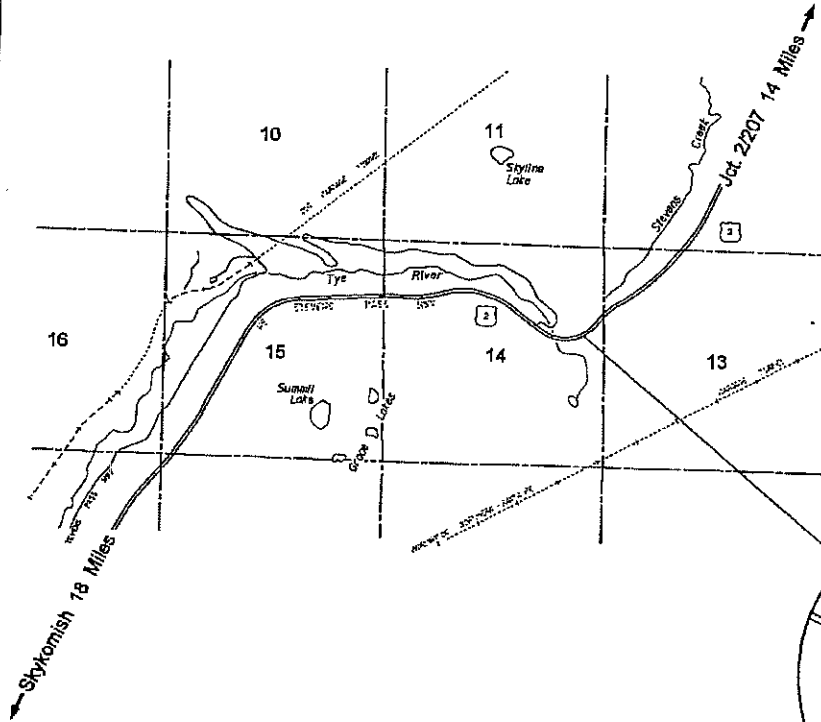
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Appendix B1



GCA-5737
Appendix B2






PROJECT LIMITS



Not To Scale

BEGIN PROJECT
MP 64.60

END PROJECT
MP 64.64

FILE NAME: D:\eng\working\PEMOPROJ\GTC\TSM 2\Stevens Pass Summit Pedestrian Safety\DL3163\DL3163CADDP3463\wml\DL3163 PG VM.dwg				FED AID PROJ. NO.			 Washington State Department of Transportation	US 2 STEVENS PASS SUMMIT PEDESTRIAN SAFETY	Plot 5 VM
TIME: 3:44:16 PM	DATE: 4/2/2004	PLOTTED BY: ksm	DESIGNED BY: M. ALLENMARCH	ENTERED BY: A. MARTINEZ	CHECKED BY: B. KUNZ				
				10	WASH				
				XL 3163		Washington State Department of Transportation		Vicinity Map	

U.S. 2 Pedestrian Bridge at Stevens Pass - Agreement # 08-MJ-11060506021



Estimation Sheet for Cost Recovery and/or Fee

SPUCR10L

Server

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Appendix C
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Processing	Amendment# :	Type of NEPA : CE
Item	Item Description	Est. Hours
ARCHAEOLOGIST/CULTURAL RESOURCES	ARPA Permit/Review APE, Cultural Report & Findings	24
ARCHAEOLOGIST/CULTURAL RESOURCES	Provide cultural resource info from GIS layer & files	16
BOTANIST	Provide plant species info/survey protocols, review survey report	16
CASE MANAGER	Cost recovery agreement/fiscal coord. w/Albuquerque Svc Ctr	16
CASE MANAGER	FS liaison w/WSDOT & FHWA/meetings/distribute info	24
CASE MANAGER	Distribute project info to FS resource specialists	8
CASE MANAGER	Provide list of FS public contacts to WSDOT	8
FISHERIES BIOLOGIST	Provide fish species info & Review WSDOT BA/BE	16
LANDSCAPE ARCHITECT	Review project for meeting FS visual quality objectives & Review design	16
RECREATION SPEC/TECH	Write "Letter of Diminimus" for project effects on recreation use	8
SURVEYOR	Review easement plat & write Letter of Consent	16
WILDLIFE BIOLOGIST	Provide wildlife species info & Review WSDOT BA/BE	16
Total Hours :		184
		Category : 6

For Categories 5 or 6 Determine Estimated and Actual Costs:

Item	Item Description	Hourly Rate	Estimated		Actual		Comments
			Hours	Cost	Hours	Cost	
ARCHAEOLOGIST/CULTURAL RESOURCES	ARPA Permit/Review APE, Cultural Report & Findings	\$53.14	24	\$1,275.36			
ARCHAEOLOGIST/CULTURAL RESOURCES	Provide cultural resource info from GIS layer & files	\$34.03	16	\$544.48			
BOTANIST	Provide plant species info/survey protocols, review survey report	\$51.15	16	\$818.40			
CASE MANAGER	Cost recovery agreement/fiscal coord. w/Albuquerque Svc Ctr	\$43.87	16	\$701.92			
CASE MANAGER	Distribute project info to FS resource specialists	\$43.87	8	\$350.96			
CASE MANAGER	FS liaison w/WSDOT & FHWA/meetings/distribute info	\$43.87	24	\$1,052.88			
CASE MANAGER	Provide list of FS public contacts to WSDOT	\$43.87	8	\$350.96			
FISHERIES BIOLOGIST	Provide fish species info & Review WSDOT BA/BE	\$43.92	16	\$702.72			
LANDSCAPE ARCHITECT	Review project for meeting FS visual quality objectives & Review design	\$40.74	16	\$651.84			



Estimation Sheet for Cost Recovery and/or Fee

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Appendix G
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RECREATION SPEC/TECH	Write "Letter of Diminimus" for project effects on recreation use	\$35.82	8	\$286.56	
SURVEYOR	Review easement plat & write Letter of Consent	\$47.35	16	\$757.60	
WILDLIFE BIOLOGIST	Provide wildlife species info & Review WSDOT BA/BE	\$39.75	16	\$636.00	
	Sub - Totals :		184	\$8,129.68	
	Totals :			\$8,129.68	
	Add Burden Rate :	8 %		\$650.37	
	Grand Totals :			\$8,780.05	